

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JULY 20, 2000  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins  
Linda Steinman  
Bernie Heier  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Susan Starcher, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, JULY 11, 2000 AND THURSDAY, JULY 13, 2000**

**MOTION:** Steinman moved and Heier seconded approval of the Staff Meeting minutes dated Tuesday, July 11, 2000 and Thursday, July 13, 2000. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Emergency Report on Hail Damage in Firth
- B. Meeting on Greenbelt Status of Property Owned by the Spilker Family LTD Partnership

**MOTION:** Steinman moved and Heier seconded approval of the additions to the agenda. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

A. Emergency Report on Hail Damage in Firth

Doug Ahlberg, Emergency Management Director, appeared and reported that a hail storm damaged 114 homes in the Village of Firth. Two churches and a nursing home also sustained damage, as did agricultural areas. He said the Federal Emergency Management Agency (FEMA) has been notified and damage is being assessed.

B. Meeting on Greenbelt Status of Property Owned by the Spilker Family LTD Partnership

Workman reported that he met with Don Spilker, Spilker Family LTD Partnership, and Robin Hendricksen, Chief Administrative Deputy Assessor, at the site. He confirmed that dirt mining is taking place, but said the County Assessor's office will adjust its records to accurately reflect the area of operation.

**3 SOLICITATION POLICY FOR COUNTY-OWNED BUILDINGS** - Dave Johnson, Deputy County Attorney; Don Killeen, County Property Manager

Don Killeen, County Property Manager, explained that the frequent presence of signature gatherers at the entrance to the Motor Vehicles Facility at 46<sup>th</sup> & "R" Street has disrupted the flow of traffic into that facility. He said the Public Building Commission has a policy in place that prohibits signature gathering and leafleting in common areas and suggested that the County enact a similar policy for its buildings.

Dave Johnson, Deputy County Attorney, distributed copies of a resolution that would create a policy regulating the use of common areas in and around County owned buildings for expressive activity and a list of properties (Exhibits A & B).

Steinman questioned whether the proposed policy would limit the fund drive by the United Way of Lincoln-Lancaster County.

The Board will take action on the resolution on at the July 25<sup>th</sup> County Board of Commissioners Meeting agenda.

#### **4 INDEPENDENT MEDICAL OVERSIGHT FOR AMBULANCE SERVICE**

- Jennifer Brinkman, Administrative Assistant to the Mayor

Jennifer Brinkman, Administrative Assistant to the Mayor, said the City, Lancaster County Medical Society and the EMS, Inc. Board have reached an agreement on independent medical oversight of emergency medical services (Exhibit D). She said EMS, Inc. will be retained as the provider of oversight for the emergency medical services system for seven years and its seven member Board will now be comprised of five at-large members appointed by the Mayor and approved by the City Council; one member chosen by the Lancaster County Board; and one member chosen by the Mayor from no less than two nominees from the Lancaster County Medical Society. All Board members must be able to meet a conflict of interest standard (Exhibit E). Brinkman said the Medical Director will be employed by, and accountable to, the EMS Inc. Board. Medical and dispatch protocols adopted by the Lancaster County Medical Society's Medical Direction Board will be mandatory and EMS Inc. will have the authority to decide how and when to implement the protocols.

In response to a question from Workman, Brinkman said the City will provide funding in the amount of \$96,500 for Fiscal Year 2000-01.

The Board suggested that the City share this information with the Lancaster County Firefighters Association.

#### **5 STEVENS CREEK CONSERVATION EASEMENTS** - Glenn Johnson, Lower Platte South Natural Resources District General Manager; Paul Zillig, Lower Platte South Natural Resources District

Paul Zillig, Lower Platte South Natural Resources District (NRD), gave a brief overview of the Stevens Creek Watershed Plan (Exhibit G), noting the open space component was developed in response to concerns involving development in the floodplain. He said the NRD has been trying to line up funding to implement the plan since it was incorporated into the Lincoln City-Lancaster County Comprehensive Plan in 1998. The first stage of implementation involves farm ponds for flood control, with five scheduled for construction in 2001 and five scheduled for design in 2001 and construction in 2002 (See Exhibit G, Page 3). The State has agreed to pay for 60 percent of the design and construction costs, estimated to cost approximately \$2 million.

Heier asked whether the introduction of the farm ponds will reduce the floodplain.

Zillig said there will be flood damage reduction, although it would be difficult to gauge without asking Federal Emergency Management Agency (FEMA) to remap the designated floodplain.

Glenn Johnson, Lower Platte South NRD General Manager, said the floodplain is based on the 100 year and 500 year events and the flow reduction structures will not impact these elevations to a great extent. The benefits would be to the more frequent events.

Hudkins asked whether construction of the dams would be accomplished through cooperation with the landowners or a taking through eminent domain.

Zillig said most of the landowners have been cooperative. He added that a number of landowners had offered free easements for construction of the farm ponds and the NRD tried to utilize those sites when developing the plan.

Workman asked what impact the three proposed beltway locations would have on the plan. He also asked how the landowners in the floodplain area between the Murdoch and Mopac Trails have reacted to the plan.

Zillig said he believes the plan is compatible with the beltway and won't be delayed by the selection process. In response to the second question, Zillig said there have been a number of public information meetings and hearings on the plan and there have been concerns expressed regarding impact.

Zillig briefly reviewed the open space component of the plan. He explained that the purpose of the conservation easements is to preserve the floodwater storage, conveyance capacity and functional integrity of the 100 year Stevens Creek Floodplain. The Trail easement is intended to provide a connector trail along the creek between the Murdoch and MoPac Trails and proceeding to 70<sup>th</sup> Street. Zillig also reviewed the land treatment, supplemental box culvert, erosion healing and watershed modeling and management components.

Heier asked whether landowners can decline the easements.

Johnson said the NRD Board has eminent domain authority. He added that a determination of whether to proceed with easements on a voluntary basis or through eminent domain has not been made.

Zillig said the area of conservation easements involves 800 acres of floodplain between the Murdoch and MoPac Trails (500 acres of flood way and 300 acres of flood fringe), an area approximately 3.5 miles in length and one third mile in width.

Workman asked whether the conservation easements would restrict the building of bridges.

Zillig responded that the easements would not stop public works projects.

Johnson added that bridge design would have to be in accordance with the floodplain regulations.

Steinman asked whether the conservation easements are more restrictive than the floodplain regulations in terms of building in the floodplain areas.

Johnson said floodplain regulations severely limit building or fill in the flood way, as it is difficult to comply with no-net-rise requirements. Building in the flood fringe is permitted as long as the structure is elevated one foot above the 100 year elevation. He said conservation easements would permanently eliminate that right in the flood fringe.

Heier asked whether the NRD's appraiser would consider this in valuing the land.

Johnson said the appraisal will be based on the highest and best use of the land. This may change the future speculative value of the land.

Heier suggested delaying the conservation easements until completion of the Stevens Creek Subarea Plan.

Johnson said the Stevens Creek Watershed Plan is consistent with the Lincoln City-Lancaster County Comprehensive Plan and suggested incorporation of the watershed plan in the subarea plan. He added that the NRD had initiated development of the Stevens Creek Watershed Plan long before the decision by the City and County to develop a subarea plan for the area.

Hudkins said the Comprehensive Plan is outdated and agreed with the suggestion to delay the conservation easements, stressing the impact to property values.

**NOTE:** *Resolution of the Board of Directors of the Stevens Creek Preservation Association* (Exhibit H) was also presented to the Board.

## **6 PROPOSED BUDGET COMPLETION** - Dave Kroeker, Budget & Fiscal Officer

Dave Kroeker, Budget & Fiscal Officer, distributed the following documents (Exhibit I):

- *Lancaster County, Comparison FY01 to FY00 Expense Budget*
- *Lancaster County Building Fund Budget*
- *Keno Fund, FY01 Proposed Budget*

## Community Mental Health Center

Dean Settle, Community Mental Health Center (CMHC) Director, appeared in response to the request that he show the impact to operations if the CMHC budget was reduced by \$25,000, \$50,000 or \$100,000. He said a budget reduction of \$25,000 could be achieved by reducing equipment \$15,000 and staff development \$10,000 (\$5,000 would be retained as seed money for development of a training program that could be marketed in the community to generate revenue). Settle said if a budget reduction of \$50,000 was necessary, the contract with Dr. Blum for services related to the Sex Offender Treatment Program would also be reduced by \$15,000 and growth of the program would be slowed. He said he was not able to come up with a budget reduction of \$100,000, but an additional \$30,000 could be achieved through a reduction to personnel (a higher level position would be cut, resulting in bumps in the system that would eliminate the last hired entry level position).

In response to a question from Heier, Settle said there are currently 10 clients in the community based Sex Offender Treatment Program. Clients must be employed and are required to pay for the group session treatment. He said the program is new but is anticipated to break even by the end of the year.

Hudkins asked how the decision by Denise Bulling, Special Grants Administrator, to exercise her retreat rights and return to employment at the Community Mental Health Center impacts the budget.

Settle said Bulling is anticipated to return to CMHC on September 1, 2000, which would have a \$53,000 impact to the budget for the nine months that would remain in the fiscal year. He noted that Bulling's current level of salary is greater than when she left her employment at CMCH.

Hudkins asked what impact the proposed budget reductions would have on grants or dollars that are currently being pulled down.

Settle said a \$25,000 budget reduction would not impact on grants or services. He expressed concern, however, how cuts to the Sex Offender Treatment Program that would be necessary if there were a budget reduction of \$50,000 might impact the community.

Steinman noted that treatment is mandated as a condition of release for inmates that have committed sex offenses and there is an extensive waiting list for correctional treatment programs. She asked whether the State has indicated a willingness to contract with community agencies for treatment programs.

Settle said not as yet.

Board consensus to reduce the CMCH budget by \$40,000 (equipment - \$15,000, staff development - \$10,000 and \$15,000 - contract with Dr. Blum).

Settle indicated that he will phase Dr. Blum out when Dr. Payne receives her clinical psychologist license.

The Board requested that further discussion of funding issues be scheduled with Settle and Gordon Kissel, Legislative Consultant, on a future Staff Meeting agenda.

#### Corrections

Kroeker indicated that the Corrections budget has been reduced an additional \$48,000.

Heier said the staffing increase will be held to one recruiter position and three direct line correctional officers.

Board consensus to reduce the projected increase in overtime to \$40,000.

#### Clerk of District Court

Kroeker said the office supplies expense has been explained and will be reflected in the correct line item.

#### Extension Service

Kroeker said the Board had questioned use of \$7,500 in salary savings that the agency wished to retain. He said Gary Bergman, County Extension Agent, had indicated that the funds are needed for temporary help with existing programs and to relieve the burden on existing staff.

### **7 JUVENILE DETENTION FACILITY UPDATE** - Chris Beardslee, Sinclair Hille & Associates Inc.; Greg Pettibone, Project Manager for the new Lancaster County Juvenile Detention Facility

Chris Beardslee, Sinclair Hille & Associates Inc., distributed the following materials (Exhibit J):

- *Progress Summary as of July 20, 2000*
- *Allowance Modification Numbers 002 and 003*
- *Proposal Request Numbers 004, 005, 006, 007, 008, 009 & 010*
- *Field Observation Report from R.O. Youker, Inc., dated May 4, 2000*
- *Architects Field Observation Reports, dated June 2 and June 7, 2000*
- *Field Observation Reports from Alvine and Associates, dated June 20 and June 30, 2000*
- *Minutes of Monthly Construction Coordination Meeting held June 7, 2000*

Beardslee also gave a brief progress report on the facility construction, noting the erector will be on site in late August.

Beardslee said items that may be included as proposal requests include a roll-up door for the serving counter in the kitchen, rubber flooring in the Intake area and changing graphic control panels to PC graphic control panels, at a cost of \$1,000 per location.

**NOTE:** The Board will take action on Allowance Modification Numbers 002 and 003 at the July 25<sup>th</sup> County Board of Commissioners Meeting.

## **RETURNING TO PROPOSED BUDGET COMPLETION**

### Extension Service

Heier proposed removing the additional \$7,500 from the Extension Budget.

Hudkins urged reconsideration of the \$1,500 for Office Supplies (2051), \$750 for Printing (3301) and \$1,500 for Mileage (3204) previously cut from the operating budget.

Gary Bergman, County Extension Agent, appeared and said the \$7,500 is needed for long-term, temporary support staff to assist with existing programs, which will relieve the burden on existing staff.

Heier asked whether Lincoln Public Schools could provide instruction for programs that involve the schools, rather than County Extension.

Bergman said the School Enrichment Program is a 4-H Extension Program, and many of the teachers would lack the necessary skills to provide instruction.

Workman suggested that the reduction could be redirected to the educational program area.

Hudkins asked whether programs are geared more heavily towards rural areas.

Bergman said there is also a significant focus on urban areas, due to the numbers.

In response to a question from Hudkins, Bergman said increased fuel costs were not reflected in the budget request.

**MOTION:** Steinman moved and Hudkins seconded to reduce the Extension Office budget by \$20,250. Workman, Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

## Adult Probation

Kroeker said no change is recommended for photocopying expenses.

## Agricultural Society

The Board asked Kroeker to levy sufficient funds to service \$5 million of debt over ten years for the Ag Society Interlocal Levy.

### **8 CONSENT ITEMS**

- A. Vacation Request from Dean Settle, Community Mental Health Center Director, for Friday, July 21, 2000

**MOTION:** Steinman moved and Heier seconded approval. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

### **9 ADMINISTRATIVE OFFICER REPORT**

- A. Engineer's Diagnostic Maintenance Agreements

Item covered at the Staff Meeting held on Tuesday, July 18<sup>th</sup>.

- B. Special Designated Licenses

Gwen Thorpe, Deputy County Clerk, reported that, effective August 1, 2000, the Nebraska Liquor Control Commission will not accept special designated license applications received less than 10 working days prior to the event. Special designated license fees will be increased from \$25 to \$40, and new applications and renewals will be increased from \$30 to \$45. She suggested that the Board might wish to revise its policy and fees on special designated licenses in conjunction with these changes.

The Board scheduled a policy review on the July 27<sup>th</sup> Staff Meeting agenda.

- C. Corrections Needs Assessment Review Committee

Item deferred until Board of Corrections Meeting on August 3<sup>rd</sup>.

The Board indicated that it is not necessary for Commissioners Campbell, Hudkins and Workman to serve on the committee (Exhibit C) but representation by the Lincoln Bar Association is recommended.

D. Public Building Commission Terms of Kathy Campbell and Larry Hudkins

The Board asked Eagan to check on the length of the terms and whether they are staggered.

E. Report on National Association of Counties (NACo) Convention

Eagan distributed copies of the *National Association of Counties (NACo) Annual Report 1999 -2000* (Exhibit F) and briefly reported on his recent attendance at the annual convention in Mecklenburg County, North Carolina. He said he attended presentations on smart growth, retirement education, broad band transmission and digital signatures.

Eagan said he also visited the Mecklenburg County Board Office and obtained copies of interlocal agreements and organization charts for comparison.

F. Interlocal Agreement for Issuance of Bonds for Lancaster County Agricultural Society's Events Center

**MOTION:** Steinman moved and Hudkins seconded to request a County Attorney's opinion on whether the County has the legal authority to enter into an interlocal agreement with Lancaster County Agricultural Society for the purpose of pledging county funds for repayment of bonds to build the Lancaster County Agricultural Society's Events Center and to request an immediate meeting between the County Attorney's Office, attorneys for the Lancaster County Agricultural Society and Lauren Wismer, Bond Counsel. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**RETURNING TO ITEM 9D**

Campbell reported that the terms are staggered and that her term is expiring.

**MOTION:** Steinman moved and Hudkins seconded to reappoint Commissioner Campbell to the Public Building Commission. Steinman, Hudkins, Workman, Hudkins and Campbell voted aye. Motion carried.

**10 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Pharmacy Meeting - Steinman

Steinman reported on a meeting that was held with pharmacists to discuss bids for the provision of pharmaceutical services to agencies and ways to improve local pharmacy response to the Request for Proposals (RFP) process. She said she had suggested that the pharmacies form a consortium and share on-call duties. Steinman also noted that delayed payment for Social Security Income (SSI) pending clients remains a problem.

## **11 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk

**NOTE:** Minutes were prepared by Ann Taylor, County Clerk's Office.